



01 DEC 2008

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of	:	
XIONG et al.	:	
Application No.: 10/551,359	:	DECISION
PCT No.: PCT/CA2004/000464	:	
Int. Filing Date: 29 March 2004	:	
Priority Date: 28 March 2003	:	
Attorney Docket No.: 577132000200	:	
For: OVERCOMPLETE BASIS TRANSFORM-	:	
BASED MOTION RESIDUAL FRAME CODING	:	
METHOD AND APPARATUS FOR VIDEO	:	
COMPRESSION	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 03 October 2008 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 29 March 2004, applicants filed international application PCT/CA2004/000464, which designated the United States and claimed a priority date of 28 March 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 07 October 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 September 2005.

On 28 September 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 11 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 11 December 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five month extension of time, the surcharge under 37 CFR 1.492(h), a declaration of facts by Leslie Sims, two copies of a letter to non-signing inventor Meng Wang from Leslie Sims dated 20 November 2006, a copy of a shipping label from Mobile1 Messengers Inc. to Meng Wang, a copy of a package tracking sheet from Canada Post Corporation, and a copy of a registered mailing label to Meng Wang's last known address.

On 04 August 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort and an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor had not been provided.

On 03 October 2008, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of facts by Nick Ringma and Cecilia Lu, and copies of search results from a phone book search as well as several internet searches.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 04 August 2008, items (1) and (3) have been met.

Item (2) has now been met. It has been established that non-signing inventor Meng Wang cannot be found after diligent effort.

Item (4) has now been met as well.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of 03 October 2008.

/Daniel Stemmer/

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METHOD AND APPARATUS FOR VIDEO COMPRESSION

Dear Mr. Weng:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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